

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF OREGON

BRANDON M. LONG,

Petitioner,

2:13-CV-02139-SB

ORDER

v.

RICHARD COURSEY,

Respondent.

BROWN, Judge.

Magistrate Judge Stacie F. Beckerman issued Findings and Recommendation (#42) on October 6, 2015, in which she recommends the Court deny Petitioner Brandon M. Long's Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254 and grant a certificate of appealability on the issues of whether Petitioner's sentence violates *Blakely* (Ground for Relief One) and whether defense counsel was ineffective for failing to advise Petitioner of his right to have a jury

determine sentencing factors (Ground for Relief Three).
Petitioner filed timely Objections to the Findings and Recommendation. The matter is now before this Court pursuant to 28 U.S.C. § 636(b)(1) and Federal Rule of Civil Procedure 72(b).

When any party objects to any portion of the Magistrate Judge's Findings and Recommendation, the district court must make a *de novo* determination of that portion of the Magistrate Judge's report. 28 U.S.C. § 636(b)(1). See also *Dawson v. Marshall*, 561 F.3d 930, 932 (9th Cir. 2009); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (*en banc*).

In his Objections Petitioner reiterates the arguments contained in his Petition and Memorandum in Support of Petition. This Court has carefully considered Petitioner's Objections and concludes they do not provide a basis to modify the Findings and Recommendation. The Court also has reviewed the pertinent portions of the record *de novo* and does not find any error in the Magistrate Judge's Findings and Recommendation.

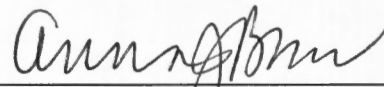
CONCLUSION

The Court **ADOPTS** Magistrate Judge Beckerman's Findings and Recommendation (#42), **DENIES** the Petition (#2) for Writ of Habeas Corpus Pursuant to 28 U.S.C. § 2254, **DISMISSES** this matter **with prejudice**, and **GRANTS** a certificate of appealability on the issues of whether Petitioner's sentence violates *Blakely* (Ground

for Relief One) and whether defense counsel was ineffective for failing to advise Petitioner of his right to have a jury determine sentencing factors (Ground for Relief Three).

IT IS SO ORDERED.

DATED this 16th day of December, 2015.

A handwritten signature in cursive script, appearing to read "Anna J. Brown", written in black ink.

ANNA J. BROWN
United States District Judge